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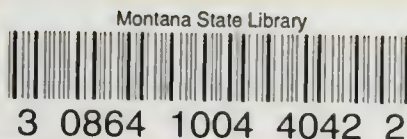
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# THE INTERIM



STATE DOCUMENTS COLLECTION

**The Monthly Report  
of Legislative  
Activity**



SEP 18 1989

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Montana Legislative Council

SEPTEMBER 1989 HELENA, MONTANA

Vol. VII No. 3

## FIVE-STATE LEGISLATIVE CONFERENCE

President invited to address legislators...Planning is proceeding rapidly for the Five-State Conference September 17 - 19. President George Bush, whose office has indicated plans for the President to be in Helena on Sept. 17, has been invited to address the conference. As host committee, all Council members intend to take part in the conference. Approximately 20 Montana legislators have indicated a desire to attend the conference, and registrations will be submitted for them. Other members who wish to be registered should contact the Council office as soon as possible.

## INTERIM STUDIES ACTIVITIES

Selected projects get late start...Despite a delay of several months because of the interruption caused by the June special session, the completion of the interim study poll has set the stage for legislative studies to begin for the 1989-90 interim. The Legislative Council on Aug. 26 reviewed the interim studies program in light of resolutions and bills passed in regular and special session. The studies to be conducted before the convening of the 52nd Legislature in January 1991 are:

From the regular session:

- ¶ Senate Joint Resolution No. 23 requests an interim committee to examine the delivery of adult and youth detention services in Montana;
- ¶ Senate Joint Resolution No. 21 requests the Revenue Oversight

Committee to examine tax incentives for businesses;

¶ House Bill No. 786 requires a study of state employee compensation; and

¶ House Bill No. 354 directs the continuation of the postsecondary education study that was begun in 1987.

From the special session:

¶ Senate Bill No. 16 directs an interim committee to examine issues of quality and accountability in education;

¶ House Bill No. 62 requires a study of the workers' compensation system; and

¶ House Bill No. 28 requires a legislative oversight study of school funding implementation and a study by the Revenue Oversight Committee of the guaranteed tax base concept for funding elementary and secondary education. The two studies are to be coordinated.

Committee membership appointments...The Speaker of the House and the Senate Committee on Committees have been notified which requests have been selected for study so committee members can be appointed. The Legislative Council staff will contact legislators about organizational meetings soon after the appointments are made.

Funding for studies...The studies called for in SJR 23, HB 28, and HB 62 are funded either through the statutory priority process or through appropriations in the bills. For the SB 16 study, the Council allocated funding from the interim studies budget.

Report asked on issues in HJR 48...In other action, the Council endorsed a proposal that staff prepare a legal/research report and make the report concerning the issues raised in HJR 48 available to the 52nd Legislature and other interested persons. HJR 48 from the regular session requested an interim study on the Human Rights Commission's ruling on adoption services.

Effectiveness of studies...The Council expressed concern that the current interim study selection process does not work as well as it should. A credible program requires that realistic priorities be balanced with reasonable staff resources and available legislators. The Council plans to study the process and bring the issue to the attention of the presession caucuses.



## COMMITTEE ON WORKERS' COMPENSATION

Membership still incomplete...At the deadline for The Interim, the House members of the Joint Select Committee on Workers' Compensation had not been named, but the Senate members designated to serve on the study mandated by HB 62 of the June special session are Sens. Gary Aklestad, Gene Thayer, Bob Williams, and Paul Svrcek. As the senior senator, it is the prerogative of Senator Aklestad to convene the organizational meeting, date and place for which will be announced after the House members are appointed.

## ENVIRONMENTAL QUALITY COUNCIL

Two major studies planned...The Environmental Quality Council met in Helena Aug. 25 and approved detailed plans for its two major interim studies concerning solid waste management and ground water quality protection. Other topics of discussion included the status of forestry best management practices being developed by a special interagency task force composed of representatives of industry and concerned citizens, completion of the Board of Oil and Gas Conservation's programmatic EIS on oil and gas drilling and production, the Clark Fork project, and hazardous waste management issues.

Solid waste regulations...The EQC commenced the first phase of its solid waste study by hearing presentations from the Solid and Hazardous Waste Bureau and the Environmental Protection Agency concerning current solid waste regulations and programs. Local government representatives from Great Falls and Conrad explained the strategies their communities are pursuing and a private sector solid waste management contractor discussed the types of service his company offers. At its next meeting the EQC will prioritize specific solid waste management policy issues that will be analyzed in more detail for the remainder of the study. These issues will potentially include development of a strategy for meeting citizen needs following the likely closure of many community landfills, assessment of current solid waste management programs and financing options, importation of solid waste, management of special categories of waste, and the role of recycling, incineration and source reduction. Hazardous waste management issues will be considered in conjunction with the solid

waste study.

Ground water quality study...The EQC's study of ground water quality will focus on three primary areas of investigation. A special task force chaired by an EQC member will evaluate ground water data, identify data deficiencies, and attempt to develop a long range plan for collecting the most important missing information. The EQC will also sponsor a series of four case studies at its meetings during the remainder of the biennium to examine how government agencies, businesses and concerned citizens coordinate their efforts to protect ground water from certain contaminant sources. Where applicable, the EQC will seek to identify options for improvement. The third area of study concerns the adequacy of the state's current approach to ground water quality protection. The EQC decided to adopt the preliminary presumption that current programs are more reactive than proactive toward potential ground water contamination. The EQC will evaluate program options that are more oriented toward preventing ground water pollution.

Throughout the biennium the EQC will also review the implementation of new ground water quality-related programs approved by the 1989 Legislature, including agricultural chemical ground water protection, monitoring at landfills, regulation of cyanide use by small mining companies, and petroleum storage tank regulation and cleanup.

October meeting...The EQC's next meeting will be in October.

## WATER POLICY COMMITTEE

State and federal water relations...The Water Policy Committee will meet in Room 108 of the Capitol at 9 a.m. Friday, Sept. 8, to begin deliberations on its interim study theme, state and federal water relations. In addition to reviewing a study plan on this topic, the committee will hear presentations on Montana's water rights adjudication process and how it incorporates federal and Indian claims of pre-July 1, 1973, water rights. A representative from the Montana Water Courts will discuss the status of the adjudication, and representatives from the Reserved Water Rights Compact Commission, Attorney General's Office, and Department of Natural Resources and Conservation will describe their roles in the process. Rich Aldridge of the Field Solicitor's Office, U.S. Department of the Interior, will

discuss his office's role in representing federal and Indian interests and will summarize testimony from the Department of the Interior concerning the adjudication bills passed by the 1989 Legislature.

Other topics to be discussed at the meeting include a report prepared by John Thorson and Howard Johnson on water research centers nationwide, and an update on the water leasing study by the Department of Fish, Wildlife, and Parks.

TALLY OF BILLS IN JUNE SPECIAL SESSION

Introductions total 97; Enactments 16; Vetoes 2...During the June special session of the 51st Legislature, passed were 16 out of 97 bills and resolutions introduced:

	INTRO.	PASS.	VETO
<u>SENATE</u>			
Bills	30	2	1
Joint Resolutions	1	0	
TOTALS	31	2	1
<u>HOUSE</u>			
Bills	64	13	1
Joint Resolutions	2	1	
TOTALS	66	14	1

SELECT COMMITTEE ON INDIAN AFFAIRS

Interim activities will begin Sept. 29...The Committee on Indian Affairs will meet Friday, Sept. 29, at 9 a.m. in Room 104 of the capitol. In addition to election of officers, agenda items include:

- ¶ status reports on the activities of the Reserved Water Rights Compact Commission, Indian child welfare matters, Minorities in Montana Education Project, and public hearings on the proposed hunting and fishing agreement between the state and the Confederated Salish and Kootenai Tribes;
- ¶ an overview of tribal government and court structure in Montana;



- ¶ a review of pending litigation involving the tribes and the state;
- ¶ a review of activities of past Committees on Indian Affairs; and
- ¶ selection of study topics.

## COAL TAX OVERSIGHT SUBCOMMITTEE

Representative DeMars appointed... Speaker John Vincent appointed Rep. Gene DeMars to replace Rep. Dave Brown on the Coal Tax Oversight Subcommittee. Representative Brown was appointed to serve on the Gaming Advisory Commission.

Agenda for Sept. 25 meeting... The next meeting of the subcommittee has been set for Room 104 of the Capitol at 9 a.m. Monday, Sept. 25, when the topics to be considered will include:

- ¶ amendments to the coal severance tax laws enacted during the 1989 legislative sessions;
- ¶ review of recent coal production and severance tax proceeds;
- ¶ use of severance tax allocation by the Department of Highways;
- ¶ use of a portion of the earnings of the parks acquisition trust by the Department of Fish, Wildlife, and Parks; and
- ¶ the responsibility assigned to the Subcommittee by HB 226 to prepare a report on potential uses of the coal severance tax trust.

## REVENUE OVERSIGHT COMMITTEE

Study plans, DOR reports on Sept. 8 agenda... The meeting of the Revenue Oversight Committee on Friday, Sept. 8, will feature presentation of study plans for the business tax incentives study under SJR 21 and for the guaranteed tax base study under HB 28. Also to be heard are presentations on ROC's new responsibility for preparing revenue estimates. Recent Department of Revenue rules will be reviewed. Other discussions will include proposed liquor store closings, delays in restocking inventories of liquor stores, and taxation of retirement income. The meeting will begin at 9 a.m. in Room 104 of the Capitol.

## LEGISLATIVE FINANCE COMMITTEE

Appropriations Reports Available Sept. 11... The Legislative Finance



Committee will meet at 9 a.m. Monday, Sept. 11, in Room 104 of the Capitol. The appropriations reports from the 1989 regular and special sessions will be distributed at the meeting, following which copies will be mailed to all legislators not present. After the meeting, copies will be available to the public from the office of the Legislative Fiscal Analyst, 444-2986.

## LEGISLATIVE AUDIT COMMITTEE

June meetings...The Legislative Audit Committee met twice during June, and at the June 29 session Scott Seacat was reappointed legislative auditor. The Committee reviewed and released reports:

### Financial Compliance Audits:

Montana College of Mineral Science and Technology  
Eastern Montana College  
Board of Public Education  
Fire Services Training School  
Montana School for the Deaf and Blind  
Department of Health and Environmental Sciences  
Department of Natural Resources and Conservation  
Department of Institutions

### Contract Audit:

Flathead Valley Community College

Copies of the reports are available from the Legislative Auditor's Office, Room 135, State Capitol, Helena, MT 59620, phone 444-3122.

Meeting scheduled Sept. 29...The next meeting of the Legislative Audit Committee is set for Friday, Sept. 29, when the following reports are included on the agenda:

### Performance Audits:

Treasury Bureau, Department of Administration  
Vendor Selection by the Purchasing Bureau, Department of Administration

## LEGISLATIVE COUNCIL

### RESEARCH DIVISION

#### Research Memorandums

Medicare Catastrophic Coverage Act of 1988

Pension Taxation Legislation Considered by the 1989 Montana Legislature in Special Session

### LEGAL DIVISION

#### Legal Memorandums

Legality of P.S.C. Member Collecting State Salary While Attending National Guard Training

#### Initiative Proposals

Pursuant to 13-27-202(2), MCA, copies of correspondence are available from the Secretary of State

Tax stamps

Limit total government expenditures

#### Montana Code Annotated

The Legislative Council voted unanimously to adopt a per-set price for the 1989 edition of the Montana Code Annotated of \$190 for the public sector and \$220 for the private sector. The final camera ready copy for printing was received by the printer on Aug. 28. Under the terms of the printing contract, the MCA is due to be shipped Sept. 22, 1989, which will allow subscribers to receive the code prior to the Oct. 1, 1989, general effective date for enactments by the 51st Legislature. The 1989 Montana Code Annotated will also contain all legislation enacted by the June Special Legislative Session.

## NCSL ANNUAL MEETING

The NCSL annual meeting in Tulsa was attended by Senators Lynch, Boylan, and Meyer and Representatives Russell, Quilici, and Dave Brown. Montana legislative staff attending included Bob Person, Mary McCue, Judy Rippingale, and Jim Pellegrini. The conference provided an opportunity for legislators and staff to meet with their counterparts from throughout the country to discuss common problems. In addition, the annual meeting is the principal session at which NCSL adopts policy positions which then provide the basis for representation of the positions of the legislatures in Washington, D.C. Selected sessions of the program were recorded by CSPAN and have been broadcast nationally. There was also extensive coverage of some controversial issues that were but a small part of the total conference. Oklahoma's hospitality was unsurpassed. For more information about specific aspects of the annual meeting, members should contact the attendees.





## INTERIM CALENDAR

Sept. 4, Holiday, Labor Day

Sept. 8, Revenue Oversight  
Committee, Room 104, Capitol

Sept. 8, Water Policy  
Committee, Room 108, Capitol

Sept. 11, Legislative Finance Committee, Room 104, Capitol

Sept. 17-19, Five-State Legislative Conference, Helena

Sept. 25, Coal Tax Oversight Subcommittee, Room 104, Capitol

Sept. 29, Indian Affairs Committee, Room 104, Capitol

Sept. 29, Legislative Audit Committee

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